

ATTORNEY DOCKET NO. 062891.0497

PATENT  
Serial No. 09/752,043

13

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 17, 2003. Applicant respectfully requests reconsideration and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 1-15 and 17-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,119,084 issued to Roberts et al. ("Roberts") in view of U.S. Patent No. 6,119,084 issued to Gammel et al. ("Gammel"). Claim 1 recites:

A method for performing speaker verification based on speaker independent recognition of commands, the method comprising:

receiving an utterance from a speaker;

identifying a command associated with the utterance by performing speaker independent recognition (SIR);

eliminating a prompt for a password if a speaker verification template associated with the identified command includes adequate verification data; and

verifying the speaker identity by comparing the utterance with the speaker verification template associated with the identified command.

Roberts and Gammel, alone and in combination, fail to disclose, teach, or suggest every element of Claim 1. Roberts discloses a speech verification apparatus that incorporates a secure interactive voice response system. Abstract. Roberts, however, does not disclose "identifying a command associated with the utterance by performing speaker independent recognition (SIR)" as recited by Claim 1. The portions of Roberts cited by the Examiner merely indicate that "the speech sample stored is [sic] in buffer 210 including the current speech sample just captured in step S320 is recognition

ATTORNEY DOCKET NO. 062891.0497

PATENT  
Serial No. 09/752,043

14

processed using known speaker-dependent or speaker-independent speech recognition techniques." Col. 6, ll. 53-57. The cited language does not disclose "identifying a command associated with the utterance" as recited by Claim 1. Furthermore, as *Roberts* does not disclose "identifying a command", *Roberts* also does not disclose, teach, or suggest "a speaker verification template associated with the identified command[.]".

Combination with *Gammel* does not remedy these omissions, as *Gammel* also fails to disclose, teach, or suggest these elements. *Gammel* teaches a system and method for performing speaker-dependent verification on a spoken utterance. Abstract. *Gammel*, like *Roberts*, fails to disclose "identifying a command associated with the utterance." Moreover, because *Gammel* does not disclose "identifying a command", *Gammel* also does not disclose, teach, or suggest "a speaker verification template associated with the identified command[.]". As a result, *Roberts* and *Gammel*, both alone and in combination, fail to disclose, teach, or suggest every element of Claim 1.

Furthermore, Applicant respectfully notes that, to establish a prima facie case of obviousness, the Examiner must identify within the references some suggestion or motivation to combine the references. M.P.E.P. § 2143. Applicant respectfully asserts that the Examiner provides no such suggestion or motivation. With respect to the proposed combination, the Examiner states only that:

ATTORNEY DOCKET NO. 062891.0497

PATENT  
Serial No. 09/752,043

15

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Roberts et al. with the algorithm, as taught by Gammel et al. to allow a registered user access to the system even without remembering the password in order to save time and power for the system.

Office Action, p. 2.

These conclusory statements however identify no motivation or suggestion within the references to combine the references as required by M.P.E.P. § 2143 and amount to hindsight reconstruction of Claim 1. Thus, the proposed combination is improper.

Thus, Roberts and Gammel, both alone and in combination, fail to disclose, teach, or suggest every element of Claim 1. Additionally, combination of the two references is improper. For at least these reasons, Claim 1 is allowable. Applicant respectfully requests reconsideration and allowance of Claim 1 and its dependents.

Additionally, many of the dependents of Claim 1 include other elements that are also not disclosed in the cited references. As one example, Claim 6 recites:

The method of Claim 1, further comprising:  
prompting the speaker for a password if the speaker verification template associated with the identified command does not comprise adequate verification data; and  
verifying the speaker identity based on the password.

Roberts and Gammel also fail to disclose, teach, or suggest "prompting the speaker for a password if the speaker verification template associated with the identified command does not comprise adequate verification data[.]". As noted above, the cited references fail to disclose, teach, or suggest "prompting the speaker for a password" and "[a]

ATTORNEY DOCKET NO. 062891.0497

PATENT  
Serial No. 09/752,043

16

speaker verification template associated with the identified command[.]". Thus, Roberts and Gammel, alone and in combination, fail to disclose, teach, or suggest these additional elements of Claim 6. Claim 6 is thus allowable for at least these additional reasons. As noted above, Applicant respectfully requests reconsideration and allowance of Claim 6.

Although of differing scope from Claim 1 and from one another, Claims 8, 17, and 21 include elements that, for reasons substantially similar to those discussed above with respect to Claim 1, are not disclosed, taught, or suggested by Roberts or Gammel. Thus, Claims 8, 17, and 21 are allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 8, 17, and 21, and their respective dependents.

Furthermore, many of the dependents of Claims 8, 17, and 21 include additional elements that are also not disclosed in the cited references. For example, although of differing scope from Claim 6, Claims 14, 15, 20, and 23 include elements, that for reasons substantially similar to those discussed above with respect to Claim 6, are not disclosed in the cited references. Thus, Claims 14, 15, 20, and 23 are allowable for at least these additional reasons. As noted above, Applicant respectfully requests reconsideration and allowance of Claims 14, 15, 20, and 23.

The Examiner rejects Claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Roberts in view of Gammel and further in view of U.S. Patent No. 6,160,877 issued to Tatchell et al. ("Tatchell"). Claim 16 depends from Claim 8, which has been shown above to be allowable. Claim 16 is thus allowable for at least this reason. Applicant respectfully requests reconsideration and allowance of Claim 16.

ATTORNEY DOCKET NO. 062891.0497

PATENT  
Serial No. 09/752,043

17

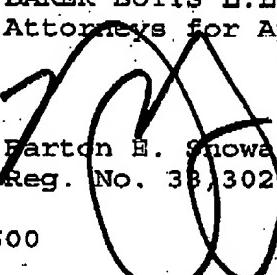
Conclusions

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicant

  
Barton H. Snowalter  
Reg. No. 38,302

2001 Ross Avenue, Suite 600  
Dallas, Texas 75201-2980  
(214) 953-5509

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CORRESPONDENCE ADDRESS:

Customer Number:

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